

Remarks

Claims 1 through 5, 7 through 21, 23 through 32, 35 and 37 through 53 remain pending in the application.

The specification is objected to, and the claims are rejected, under the assertion that the limitation requiring an internet download is not supported by the specification. However, Figure 5 and its accompanying text describe a system in which the accessed computer system is connected to the accessing computer system through the internet connection (item 42), and subsequently describes the acquisition of codes through the internet. The specification describes a download of codes in passages such as "Upon detecting a verification which utilises the 100th code, code replacement module 47 is activated to choose at random a new group of 100 secondary codes stored in module 47 and to download this to diskette 44 via line 48, module 43, line 42 and PC41" where line 42 has been previously identified as the internet. Thus, even though it may have been accomplished with more clarity, the specification supports the claim language and apprises those skilled in the art that the inventor contemplated acquisition of codes over the internet. If this support is still deemed insufficient, appropriate amendments will be considered.

The Office Action rejects the claims as obvious over Zampese, Purchase Management System And Method, U.S Patent 6,104,650 (Jan. 11, 2000) in view of the new reference Thomson Components Mostek, Development Support for Smart Card ICS (Sep. 25, 1987), under the assertion that Zampese discloses the use of a plurality of codes for use in connecting various terminals,

per the prior office action, but fails to teach that failure to match a subsequent set of codes result in denial of the accessing station to carry out the transaction, while Thomson teaches denial of a transaction and locking of an access card upon three consecutive code presentations.

The proposed combination does not meet the claim language. Claim 1 requires that the accessing station be locked out after failure of match three successive codes obtained after an initial failure. Thomson merely locks out the card, with no mention of first having obtained additional codes. Thus, a prima facie case of obviousness had not been made out. Additionally, neither Zampese nor Thomson provide for any cure to a mismatched code entry, other than denial of the transaction. Provision of additional access codes upon an initial mismatch of access codes is clearly contrary to both Zampese and Thomson, and non-obvious over both Zampese's explicit teaching to mail access codes to users and his explicit teaching to terminate a transaction after a single mismatch. Thomson does not provide any limitation missing from Zampese, and thus the claimed invention is not met by the proposed combination.

If Thomson is prior art, it is not apparently analogous. The reference is cryptic, but appears to be directed toward development tools for integrated circuits unique to Thomson Components Mostek. This has no apparent relation to the problem addressed by the Applicant. There is no reason that an artisan seeking solutions in code based access would look to the field of development tools for integrated circuits for any solution.

Finally, Thomson is not prior art. The Office Action

presents Thomson as prior art, but the reference includes insufficient indication that it was available to the public prior to the invention of the applicant. The reference is provided as a text document purportedly reciting the textual content of a press release, with no indicia of reliability. The document bears two distinctly different dates, neither of which indicate that the document was available to those in the art prior to the applicant's invention. The document contains a copyright date of 1999, and a "news release" date of 1987. However, these indicia are meaningless. Press releases are self-styled, and not published in any accessible manner, especially in 1987, unless and until a news organization decides to re-publish them. A press release of 1987 collated into a database made available to the public in 1999 might constitute a publication in 1999, if it is truly available to the public. However, the DIALOG file provided by the Examiner indicates only that the DIALOG database claims copyright in 1999, and does not indicate when the purported press release was added to the that database. The self reported publication date of the press release indicates, at most, that the originator made it available to news organizations. It does not indicate that the contents of the press release were made available in any accessible way to the art. Applicant requests that the Examiner provide additional information regarding this reference, if it is to be applied, including proof of its initial publication, its place and manner of publication, and the manner in which it was made accessible to the art, to that the Applicant may address this issue further.

Conclusion

This response has addressed all of the Examiner's grounds for rejection. The rejections based on prior art have been traversed. Reconsideration of the rejections and allowance of the claims is requested.

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By: /K. David Crockett/
K. David Crockett, Esq.
Reg. No. 34311